

DATE
28/06/2010

President
Bashar al-Assad
Presidential Palace
al-Rashid Street
Damascus
Syrian Arab
Republic

Re: **Concerns regarding the case of lawyer Mr. Muhannad Al-Hasani**

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents around one million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

We express our concern over the situation of Mr. Muhannad Al-Hasani, a prominent Syrian human rights lawyer, President of the Organisation for Human Rights "Sawasiya" and Laureate of the Martin Ennals Award for Human Rights Defenders 2010.

We sent you a letter on 25 November 2009, signed by my predecessor in the Presidency of CCBE, expressing concern at the disciplinary trial and the criminal charges that this lawyer was facing.

The CCBE has been informed that the Second Criminal Court of Damascus has now condemned him to three years imprisonment. This conviction was ordered on the grounds of "weakening national sentiments and encouraging racist and sectarian feelings" and "transferring false and exaggerated news that weaken national sentiments" under Articles 285, 286 and 287 of the Criminal Code.

According to our information, the prosecution based its accusation on three secret reports made by the General Intelligence Service. Despite the defence lawyers demonstrating that such reports were false and the charges unfounded, the prosecution did not drop its accusations against Mr. Al-Hasani.

Furthermore, apparently, not only did the Judge abstain from requesting that the prosecution present evidence in support of the accusations made against Al-Hasani, but he also denied the right of the defence to call upon witnesses to challenge these accusations.

The decision of the Criminal Court to convict Mr. Al-Hasani is final and can only be reviewed before the Cassation Court on procedural grounds. This limitation is a violation of the right to appeal, which includes the right to challenge convictions and sentences before a higher tribunal.

The CCBE is gravely concerned about the conviction of Mr. Al-Hasani which seems to us aimed at sanctioning his activity defending human rights.

In this context, the CCBE wishes to draw to your attention the following Article of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

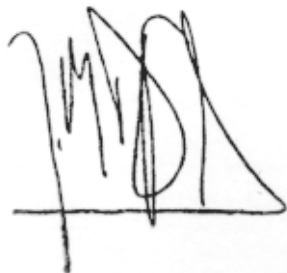
Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE urges the Syrian authorities immediately and unconditionally to release Mr. Muhannad Al-Hasani, as he has been convicted by means of an unfair trial, and to put an immediate end to all acts of harassment and persecution against human rights lawyers in Syria, in order to guarantee the free exercise of the profession of lawyer and the independence and integrity of the administration of justice.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JMD', written over a horizontal line.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ
President